

OPTIS.107A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bernhard B. Sterling et al.
App. No. : 10/825,085
Filed : April 15, 2004
For : METHOD OF DETERMINING ANALYTE
CONCENTRATION IN A SAMPLE USING
INFRARED TRANSMISSION DATA
Examiner : Unknown
Group Art Unit: 2877

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

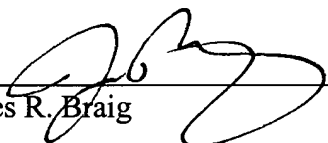
App. No. : 10/825,085
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The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

OPTISCAN BIOMEDICAL CORPORATION

Dated: 10-15-04

By: 
James R. Braig

Title: Chief Technical Officer

Address: 1105 Atlantic Avenue, Suite 101
Alameda, California 94501

H:\DOCS\BSI\BSI-6456.DOC
080504

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Alameda

} SS.

On Oct. 15, 2004

(DATE)

before me, JENNIFER VILAVERT LE

(NOTARY)

personally appeared JAMES R. BRAIG

SIGNER(S)

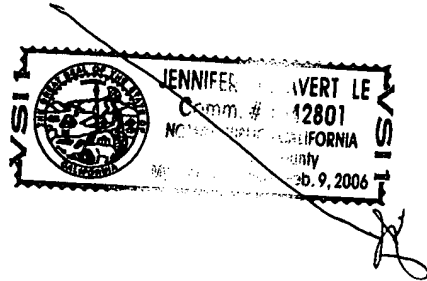
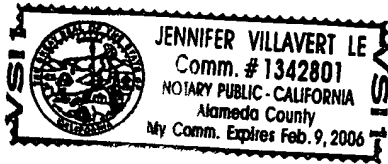


personally known to me

- OR -



proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jennifer Villavert Le
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☒ OTHER: CTO

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Estab. of Right of Assignee To Take Actions
& Revocation & Power of Attorney

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

April 15, 2004

DATE OF DOCUMENT

Applic. # : 10/825,085

OTHER

RIGHT THUMBPRINT
OF
SIGNER

Top of thumbprint here

ASSIGNMENT

WHEREAS, We, Bernhard B. Sterling, a United States citizen, residing at 882 El Pintado Road, Sunnyvale, California 94086, James R. Braig, a United States citizen, residing at 280 Mountain Avenue, Piedmont, California 94611, Daniel S. Goldberger, a United States citizen, residing at 644 College Avenue, Boulder, Colorado 80302, Philip C. Hartstein, a United States citizen, residing at 171 Bryant St. Apt. G, Palo Alto, California 94301, and Robert D. Gaffney, a United States citizen, residing at 11 Irving Avenue, Atherton, California 94027, have invented certain new and useful improvements in a METHOD OF DETERMINING ANALYTE CONCENTRATION IN A SAMPLE USING INFRARED TRANSMISSION DATA for which we have filed an application for Letters Patent in the United States, Application No. 10/825,085, filed on April 15, 2004;

AND WHEREAS, OptiScan Biomedical Corporation (hereinafter "ASSIGNEE"), a Delaware corporation, with its principal place of business at 1105 Atlantic Avenue, Suite 101, Alameda, California 94501, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

 **COPY**

Application No.: 10/825,085
Filing Date: April 15, 2004

PATENT
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Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of Oct 60, 2004.

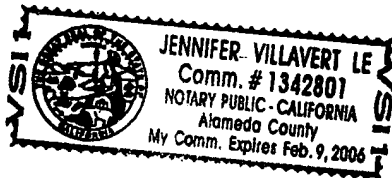
Bernhard B. Sterling
Bernhard B. Sterling

STATE OF California }
COUNTY OF Alameda } ss.

On Oct. 15, 2004, before me, JENNIFER LE ^{10/15/04} ~~BERNARD STERLING~~, personally appeared Bernhard B. Sterling, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Villavert Le
Notary Signature

 **COPY**

Application No.: 10/825,085
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PATENT
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Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of OCT., 2004.

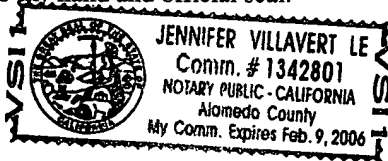
James R. Braig

STATE OF California }
COUNTY OF Alameda } ss.

On Oct. 15, 2004, before me, JENNIFER LE, personally appeared James R. Braig, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



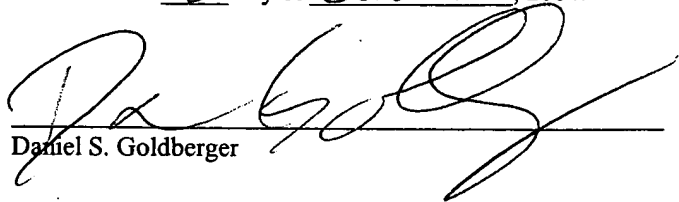
Notary Signature

 **COPY**

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PATENT
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15th day of October, 2004.


Daniel S. Goldberger


STATE OF _____ }
COUNTY OF _____ } ss.

On _____, 2004, before me, _____, personally appeared Daniel S. Goldberger, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

 Oct. 15, 2004
MICHELLE LAUBACH Business Manager
SUBSCRIBING WITNESS

 **COPY**

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15th day of October, 2004.

Philip C. Hartstein
Philip C. Hartstein

STATE OF

}
} ss.
}

COUNTY OF

On _____, 2004, before me, _____, personally appeared Philip C. Hartstein, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

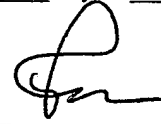
Michelle Taubach, Business Manager
subscribing witness 10/15/04

 **COPY**

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of August, 2004.



Robert D. Gaffney

STATE OF

COUNTY OF

}
} ss.
}

On _____, 2004, before me, _____, personally appeared Robert D. Gaffney, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

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080504

Michelle Faubach, Business Manager 10/15/04
Subscribing witness

 **COPY**

State of California	
County of <u>Alameda</u>	} SS.
On <u>Oct. 15, 2004</u> , before me, the undersigned, a notary public for the state, personally	
appeared <u>Michelle Laubach</u> , personally known to me (or proved to	
SUBSCRIBING WITNESS'S NAME	
me on the oath of _____, who is personally known to me) to	
CREDIBLE WITNESS'S NAME	
be the person whose name is subscribed to the within instrument, as a witness there to, who, being by me duly sworn, deposed and said that he/she was present and saw <u>Daniel S. Goldberger, Philip C. Hartstein, and Robert D. Rafferty</u> the	
NAME(S) OF PRINCIPAL(S)	
same person(s) described in and whose name(s) is/are subscribed to the within and annexed instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of <u>Daniel S. Goldberger, Philip C. Hartstein, and Robert D. Rafferty</u>	
NAME(S) OF PRINCIPAL(S)	
WITNESS my hand and official seal.	
<u>Jennifer Villavert</u> NOTARY'S SIGNATURE	
OPTIONAL INFORMATION	
The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.	
CAPACITY CLAIMED BY SIGNER (PRINCIPAL)	
<input type="checkbox"/> INDIVIDUAL	DESCRIPTION OF ATTACHED DOCUMENT <u>Assignment</u> TITLE OR TYPE OF DOCUMENT <u>Pages 4-6</u> NUMBER OF PAGES <u>April 15, 2004</u> DATE OF DOCUMENT
<input type="checkbox"/> CORPORATE OFFICER	
_____ TITLE(S)	
<input type="checkbox"/> PARTNER(S)	
<input type="checkbox"/> ATTORNEY-IN-FACT	
<input type="checkbox"/> TRUSTEE(S)	OTHER _____
<input type="checkbox"/> GUARDIAN/CONSERVATOR	
<input checked="" type="checkbox"/> SUBSCRIBING WITNESS	
<input type="checkbox"/> OTHER: _____	
ABSENT SIGNER (PRINCIPAL) IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES) <u>OPTISCAN</u>	
RIGHT THUMBPRINT OF SIGNER	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">Top of thumbprint here </div>	

VALLEY-SIERRA, 800-362-3369